

Application No. 09/165,772
Attorney Docket No. 051481-5047-01

REMARKS

Further to the Appeal Brief filed 17 December 2001, and in accordance with the telephone conversation with Examiner Politzer on 10 May 2002, claims 4-16 are being canceled. Thus, claims 1-3 and 17 remain on Appeal.

Claims 4-16 had been previously withdrawn from consideration, but not canceled. By this Amendment, these claims have been canceled without prejudice or disclaimer. Moreover, Applicant reserves the right to continue pursuing the subject matter of these claims in the divisional to the present application. The divisional application having been filed 24 December 2001, and assigned Application No. 10/024,280.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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Date: 10 May 2002

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